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**FACSIMILE TRANSMISSION**

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**TO:** USPTO - Petitions Branch  
**FROM:** David W. Osborne  
**DATE:** December 1, 2005

**PAGES:** 1 of 5  
**FACSIMILE NO.:** 1-571-273-8300  
**TRANSMITTED BY:** Julia Seargent

**OUR DOCKET NO.:** 23625 / Application No. 10/700,838

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**SUBJECT:**

**RESUBMISSION OF A PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM  
FOR THE BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 C.F.R. § 1.78 (a)(3)**

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Office of Petitions  
PO Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

Transmitted herewith is the RESUBMISSION OF A PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR THE BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 C.F.R. § 1.78 (a)(3) for Attorney Docket No. 23625, Application No. 10/700,838. Thank you.

Sincerely,

David W. Osborne  
Thorpe North & Western, LLP  
Customer No. 20,551  
Reg. No. 44,989

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PAGE 1/5 \* RCVD AT 12/1/2005 5:03:45 PM [Eastern Standard Time]\* SVR:USPTO-EFXRF-6/27 \* DNIS:2738300 \* CSID:801 566 6673 \* DURATION (mm:ss):01:26

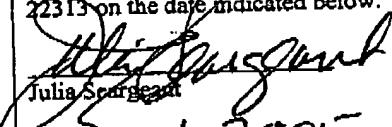
Patent App. SN: 10/700,838  
Attorney Docket No. 23625

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 1 2005

APPLICANT:	Fikstad et al.	<b>CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8</b>  I hereby certify under 37 CFR § 1.8 that this correspondence is being facsimile transmitted to the USPTO or being deposited with the United States Postal Service with sufficient postage as first class postage in an envelope addressed to Commissioner of Patents Alexandria, VA 22313 on the date indicated below.   Julia Scargee <i>Dec 1, 2005</i> Date of Deposit
SERIAL NO.:	10/700,838	
FILED:	November 3, 2003	
FOR:	PHARMACEUTICAL COMPOSITIONS WITH SYNCHRONIZED SOLUBILIZER RELEASE	
ART UNIT:	1614	
EXAMINER:	Royds, L.	
DOCKET NO.:	23625	

**RESUBMISSION OF A PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED  
CLAIM FOR THE BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 C.F.R. §  
1.78(a)(3)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a resubmission of a petition to correct a claim for the benefit of a prior-filed patent application pursuant to 37 C.F.R. 1.78(a)(3), and in accordance with the fees set forth in 37 C.F.R. 1.17(t) which have previously been paid.

Patent App. SN: 10/700,838  
Attorney Docket No. 23625

REMARKS

Applicants resubmit this petition to amend a claim for the benefit of a prior-filed patent application pursuant to 37 C.F.R. 1.78(a)(3). Applicants submit that the entire delay for filing the proper claim of benefit was unintentional and respectfully requests acceptance of this petition.

Patent App. SN: 10/700,838  
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**PARAGRAPH REQUIRED BY 35 U.S.C. 120 AND 37 C.F.R. 1.78(a)(2)**

Please add the following text required by 35 U.S.C. 120 and 37 C.F.R. 1.78(a)(2) after the title "PHARMACEUTICAL COMPOSITIONS WITH SYNCHRONIZED SOLUBILIZER RELEASE" and before the paragraph entitled "1. Technical Field."

**Priority Data**

"This application is a continuation in part of U.S. Patent App. No. 10/428,341 filed on May 1, 2003, now issued as U.S. Patent No. 6,923,988, which is a continuation of U.S. Patent App. No. 09/800,593 filed on March 6, 2001, now issued as U.S. Patent No. 6,569,463, which is a division of U.S. Patent App. No. 09/447,690, now issued as U.S. Patent No. 6,248,363."

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CONCLUSION

The required fee of \$1,370.00 as specified in 37 C.F.R. 1.17(t) has previously been paid.

Dated this 1<sup>st</sup> day of December 2005.

Respectfully submitted,

THORPE, NORTH & WESTERN, LLP



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